

# H E R R I C K

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STEVEN D. FELDMAN  
PARTNER  
Direct Tel: 212.592.1420  
Direct Fax: 212.545.2311  
Email: sfeldman@herrick.com

**MEMO ENDORSED**

November 13, 2014

**Via ECF**

Honorable Denise L. Cote  
United States District Court for the  
Southern District of New York United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

Re: *In re Application of The Coalition To Protect Clifton Bay and Louis Bacon for an Order Pursuant to 28 U.S. C. § 1782 to Conduct Discovery for Use in Foreign Proceedings, 14 Misc. 258 (DLC)*

Dear Judge Cote:

We are the attorneys for Respondent Stephen J. Feralio. Pursuant to the Court's direction at the September 11, 2014 court conference, we write to update the Court regarding our efforts to review and produce materials to Nygard International Partnership and Nygard Inc. responsive to the subpoena issued by Petitioners, The Coalition To Protect Clifton Bay and Louis Bacon.

Over the past week, we had a team that varied from 11 to 14 individuals reviewing electronic files, plus Mr. Feralio. Over the course of the week, Mr. Feralio and the reviewers reviewed approximately 69,628 video and other electronic files, and designated approximately 1,957 files as responsive. For the period November 6, 2014 through November 12, 2014, Mr. Feralio devoted approximately 48 hours to reviewing and cataloguing responsive materials.

Today, we will be sending to counsel for Nygard International Partnership and Nygard Inc. a hard drive containing approximately 285 GB of responsive materials in 1,957 separate files, Bates stamped SF00007637 - SF000009593.

We wrote the Court on November 12, 2014 outlining two groups of documents -- those contained on a transfer drive and Final Cut Pro 7 project files -- that we believed required additional review time, and requested until December 2, 2014 to complete the review of those materials. Given the pace of our review, we now predict that we will complete the review and production of the files contained on the transfer drive by the Court's deadline, and will not need additional time to review those files. Nevertheless, we still require additional time to produce the Final Cut Pro 7 project files. Apart from the Final Cut Pro 7 project files, we anticipate that we will fully complete our review of the remainder of the files on the 6 TB and 8 TB hard drives by the Court's deadline of November 14, 2014. We plan to make a supplemental production tomorrow to the Nygard Parties.

Case 1:14-mc-00258-DLC Document 110 Filed 11/13/14 Page 2 of 2  
H E R R I C K

Honorable Denise L. Cote  
November 13, 2014  
Page 2

On Tuesday, November 5, 2014, we received from counsel for the Nygard Parties a list of 3,312 files that we previously produced to the Nygard parties in response to the original subpoena, but that the Nygard parties believe are not responsive to the amended subpoena. On November 7, 2014, we received an additional list of 258 files that they believe are not responsive to the amended subpoena. In response, we have presently identified approximately 111 files that, upon re-review, we maintain are responsive to the amended subpoena. We have provided lists of those 111 files to the Nygard Parties and conferred by phone on Tuesday, November 11, 2014. We currently await their responses as to the status of each of those 111 files. Our re-review of the 3,312 files is not complete, but we expect to complete it by November 14, 2014.

We are available to answer any questions the Court may have regarding our efforts. Per the Court's instructions, we will further update the Court next week on our progress.

Respectfully submitted,

s/ Steven D. Feldman

Steven D. Feldman

cc: Counsel for Petitioners (by ECF)  
Counsel for Nygard International Partnership and Nygard Inc. (by ECF)

*Schedule modification is  
approved.*

*Denise Cote  
Nov. 14, 2014*